

**Amendment No. 1 to HJR0246**

**Person, Curtis**  
**Signature of Sponsor**

**AMEND <SB>**

**House Joint Resolution No. 246\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language of the resolution, including the caption, and by substituting instead the following:

A RESOLUTION to request the judicial council to study the issue of the service of civil and criminal process by both private process servers and the office of sheriff.

WHEREAS, in 1988 Tennessee rule of civil procedure rule 4.01 was amended to provide that a civil summons and complaint may be served by any person who is not a party and is eighteen years of age or older; and

WHEREAS, rule 5.01 provides that unless otherwise ordered by the judge, all other civil process may be served in the same manner as provided by rule 4 for the summons and complaint; and

WHEREAS, permitting parties other than the sheriff to serve civil process has, in the ensuing seventeen years, given rise to a proliferation of private process servers and private process service companies; and

WHEREAS, over the years various bills have been introduced into the General Assembly dealing with this subject in different manners thereby raising questions regarding the best way to provide oversight of this growing industry; and

WHEREAS, the oversight methods suggested have ranged from the state issuing private process servers licenses and regulating them in that manner, to letting each judicial district certify the private process servers in that district in the same manner as is done with bail bondsmen to doing nothing in terms of regulation; and

WHEREAS, because at least three bills have been introduced this session on the subject, it is perhaps time to conduct a thorough study of the private process server system and the best way to provide oversight of that system; and

WHEREAS, legislation has also been introduced this session concerning the fees, and the adequacy thereof, that may be charged by the office of sheriff for both service of civil and criminal process and whether the current fees reflect even the actual cost of service of such process, especially in the urban areas; and

WHEREAS, the uncertainty both as to regulation and financial adequacy surrounding the service of process, both civil and criminal and by both public and private entities, has convinced the general assembly of the need to pause and have the whole issue of service of process examined in more detail; and

WHEREAS, on other issues such as municipal courts and uniform court costs, the judicial council has been of great assistance to the general assembly in suggesting a workable approach to issues such as these affecting the judiciary; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the General Assembly requests the Judicial Council to conduct a study of all fees relating to the service of civil and criminal process by both private and public entities. Such study shall also include the Council's study of and recommendation as to what type of regulation, if any, would best provide oversight of the private process server industry to ensure that it operates in the best interests of the judicial system.

BE IT FURTHER RESOLVED, that the Judicial Council report its findings to the House of Representatives and Senate Judiciary Committees on or before September 1, 2005.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be prepared for delivery to the Judicial Council.